

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

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IN THE MATTER OF THE PETITION)
OF INDIANA FIBER NETWORK, LLC)
FOR A CERTIFICATE OF TERRITORIAL)
AUTHORITY TO PROVIDE FACILITIES-)
BASED INTEREXCHANGE TELEPHONE)
SERVICE THROUGHOUT INDIANA; FOR)
THE COMMISSION TO DECLINE TO)
EXERCISE ITS JURISDICTION OVER)
PETITIONER AND ITS TELECOMMUNI-)
CATIONS SERVICES; FOR THE COMMISSION)
TO WAIVE CERTAIN REQUIREMENTS OF ITS)
RULES CONCERNING FACILITIES-BASED)
INTEREXCHANGE SERVICE; AND FOR)
CONSENT BY THE COMMISSION FOR BOARD)
OF COUNTY COMMISSIONERS OF ALL)
COUNTIES IN INDIANA TO GRANT PETITIONER)
SUCH LICENSES, PERMITS OR FRANCHISES AS)
MAY BE NECESSARY FOR PETITIONER TO USE)
COUNTY PROPERTY AND RIGHTS-OF-WAY FOR)
UTILITY PURPOSES)

FILED

AUG 13 2003

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42468

BY THE COMMISSION:

Lorraine Hitz-Bradley, Administrative Law Judge

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On June 19, 2003, Indiana Fiber Network, LLC ("Petitioner") filed its Petition with the Indiana Utility Regulatory Commission ("Commission"), requesting that the Commission issue a Certificate of Territorial Authority to provide facilities-based interexchange telephone service throughout Indiana pursuant to I.C. 8-1-2-88, to decline to exercise jurisdiction over Petitioner and its interexchange telecommunications services pursuant to I.C. 8-1-2.6-1 *et seq.*, to waive application to Petitioner and its proposed IXC services of certain rules and requirements, and for consent by the Commission for boards of county commissioners of all counties in Indiana to grant Petitioner such licenses, permits or franchises as may be necessary for Petitioner to use county roads, rights-of-way or other county property for utility purposes.

The Presiding Officer in this Cause, having examined the Petition and being duly advised in the premises, hereby finds as follows:

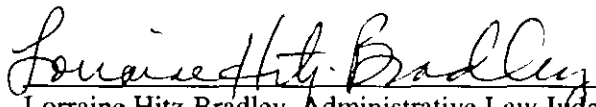
The evidentiary hearing is scheduled for September 9, 2003. After reviewing the petition, the presiding officer now finds that Petitioner should answer the following data requests by August 25, 2003:

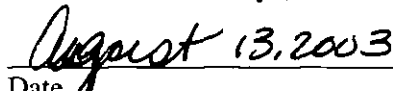
1. Does Petitioner intend to provide interexchange services within the service territories of, and to the local exchange customers of, the member-ILECs?
2. In instances where Indiana Fiber Network will provide interexchange services within the member-ILEC service territories, will Indiana Fiber Network obtain access services from the

member-ILEC? If so, how will access services be obtained by Indiana Fiber Network and how will interconnection be accomplished?

3. Does Indiana Fiber Network intend to add into the interexchange rates it charges end-user customers the access charges it encounters from the member-ILECs?
4. Will Indiana Fiber Network and/or the member-ILECs maintain separate accounts for access charges or other compensation paid or received from each other?
5. What are the dollar amounts invested by the member-ILECs in Indiana Fiber Network?
6. What was the source of capital from the member-ILECs that was invested in Indiana Fiber Network?
7. Would member-ILECs insure or back any debt issued by Indiana Fiber Network?
8. How will the member-ILECs share the profits of Indiana Fiber, and how will this revenue/profit be reflected on the books of the member-ILECs?
9. How many local exchange customers, separated by member-ILEC, currently purchase the type of interexchange services requested to be provided by Indiana Fiber Network?
10. How will the potential migration of interexchange customers and revenue away from the member-ILECs to Indiana Fiber Network impact universal service funding to the member ILECs?
11. To the extent the member-companies currently have authority to provide interexchange service within their local exchange service territories, what can be done by the creation of Indiana Fiber Network that cannot be accomplished with the existing interexchange authority possessed by the member-member ILECs for providing interexchange services within their respective local exchange service territories?
12. The prefiled testimony of Kelly Dyer indicates on pages 2-3 that "all transaction *directly* related to the provision of *local exchange telecommunications* will be non-discriminatorily based on arm's length negotiations between Petitioner and that LEC and its agents" (emphasis added) Please indicate what would be the circumstances in which Indiana Fiber Network would be involved in the provisioning of *local exchange telecommunications*? It is the Commission's understanding that Indiana Fiber Network is applying only for interexchange authority. What are the intentions of Indiana Fiber Network and the member-ILECs as to the transactions related *directly or indirectly* with the provisioning of interexchange service?
13. On page 3 of Kelly Dyer's testimony indications are made that the company [Indiana Fiber Network] will not jointly own transmission of switching facilities with any member ILEC. Please clarify what is meant by "transmission of switching facilities".

IT IS SO ORDERED.


Lorraine Hitz-Bradley, Administrative Law Judge


Date August 13, 2003


Pamela K. White, Acting Secretary to the Commission